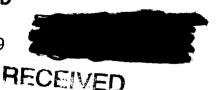


APCO International

Association of Public-safety Communications Officials International, Inc.

FX PARTE OR LATE FILED

December 16, 1999



EXECUTIVE DIRECTOR John K. Ramsey

APCO International Headquarters 2040 South Ridgewood Avenue South Daytona, Fla. 32119-8347 888 APCO 9-1-1 or 904-322-2500

APCO INTERNATIONAL GOVERNMENT AFFAIRS OFFICE 1666 K STREET, NW SUITE 1100 WASHINGTON, D.C. 20006-2897 The Honorable William Kennard Chairman

Federal Communications Commission

445 12th Street, SW Washington, DC 20554

DEC 16 1999

FROERAL COMMUNICATIONS COMMUNICATIONS

RE: Written *Ex Parte* Communication in WT Docket 99-168 and WT Docket 96-86

Dear Mr. Chairman:

BOARD OF OFFICERS

PRESIDENT
Joe Hanna
Richardson Police Department
P.O. Box 831078
Richardson, TX 75083-1078
1-972-238-3818
president@apcointl.org

PRESIDENT-ELECT
Lyle Gallagher
North Dakota State Radio
Communications
P.O. Box 5511
Bismark, ND 58502-5511
1-701-328-8150
pres-elect@apcointl.org

FIRST VICE PRESIDENT
Glen Nash
California General Services
601 Sequoia Pacific Boulevard
Sacramento, California 95814-0282
1-916-657-9454
first-vp@apcointl.org

SECOND VICE PRESIDENT
Thera Bradshaw
Clark Regional
Communications Agency
710 W. 13th Street
Vancouver, WA 98660-2810
1-360-737-1911, ext. 3948
second-vp@apcointl.org.

As you know, the Association of Public-Safety Communications Officials-International, Inc. ("APCO") has repeatedly expressed concerns regarding potential harmful interference from new users of the 746-764/776-794 MHz band adjacent to public safety radio operations in the new public safety radio service band at 764-776/794-806 MHz. On December 9, 1999, I and other representatives of APCO and other public safety organizations met with your staff and other Commission personnel regarding this issue, as summarized in a letter from our counsel to the Commission, dated December 13, 1999. APCO has argued that, in addition to non-interference rules and out-of-band emissions limits, there must also be "operational" interference protections such as the frequency coordination procedures now used between public safety and other private wireless radio services. This letter will briefly address certain aspects of recent correspondence to the Commission from both FreeSpace Communications and Motorola. We understand that this matter is ripe for imminent Commission decision.

FreeSpace Communications has advocated that the spectrum immediately adjacent to the public safety band be allocated for a new low power density radio service that it claims would not interfere with public safety operations. Numerous technical documents regarding this proposal have been submitted in recent weeks and days by FreeSpace and other parties. APCO has not reached any definitive

No. of Copies rec'd_₄ List ABCDE conclusion regarding that information and, in any event, has been concerned that the FreeSpace proposal would not involve frequency coordination. On December 14, 1999, FreeSpace submitted a letter to the Commission stating for the first time it would "comply with frequency coordination procedures." However, APCO does not believe that FreeSpace's mere acceptance of "frequency coordination" in its December 14 letter is adequate by itself to address our concerns regarding interference.

Based on the information currently on the record, it is at best unclear how such frequency coordination would work for the type of service that FreeSpace proposes. The ubiquitous nature of its service, the absence of site-specific licensing for transmitters, and the apparent lack of control over transmitter location and movement all raise significant issues. Of particular importance, there is no information on the record as to how FreeSpace could "coordinate" its frequency use to prevent life-threatening interference to a portable radio used by a police officer, firefighter, or paramedic responding to an emergency in close proximity to a FreeSpace transmitter. Unlike private wireless base stations, which are relatively few in number and operate from fixed, licensed locations, FreeSpace transmitters will be deployed in huge numbers in concentrated areas, greatly increasing the potential that a public safety user will unknowingly come into close contact with a potentially interfering transmitter.

Apart from the FreeSpace proposal, Motorola submitted an *ex parte* letter on December 13, 1999, which, among other matters, suggests that the Commission reverse the public safety mobile and base transmit and receive bands from that currently set forth in Commission rules adopted in WT Docket 96-86. APCO does not support such a reversal, which would draw into question the ability to integrate 700 MHz public safety radio systems with the substantial number of public safety systems operating above 806 MHz. One of the principal reasons for allocating the 764-776/794-806 MHz band for public safety services and selecting the current band plan is the proximity to public safety bands above 806 MHz and the potential for integrated and interoperable radio systems across those bands. Changing the band plan as now suggested by Motorola could substantially undermine that capability, and should not be undertaken without careful review and input from the public safety community and the Public Safety National Coordinating Committee.

APCO will review and, if necessary, comment upon any further information submitted to the Commission. However, APCO believes that the issue of protecting public safety users from interference is far too important to be addressed in eleventh hour correspondence regarding

new, uncertain technologies. These technical matters should be the subject of careful review and discussion by Commission engineering staff, equipment manufacturers and, most importantly, the public community.

Please contact me or our counsel in Washington, Robert Gurss (202-662-4856) should you have any questions or need additional information.

Respectfully submitted,

Joe Hanna President

cc: Commissioner Susan Ness
Commissioner William Powell
Commissioner Gloria Tristani
Commissioner Harold Furchtgott-Roth
Ari Fitzgerald, Esq.
Mark Schneider, Esq.
Peter Tenhula, Esq.
Adam Krinsky, Esq.
Bryan Tramont, Esq.
Thomas Sugrue, Chief WTB
James Schlichting, Deputy Chief, WTB
Julius Knapp, OET
Robert Pepper, OPP
Ms. Magalie Roman Salas, Secretary